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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2344M/JB		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US00/27333	International filing date (day/month/year) 04/10/2000	Priority date (day/month/year) 05/10/1999	
International Patent Classification (IPC) or national classification and IPC C08J9/30			
Applicant THE PROCTER & GAMBLE COMPANY et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li> <li>VIII <input checked="" type="checkbox"/> Certain observations on the international application</li> </ul>			
Date of submission of the demand 05/03/2001		Date of completion of this report 19.11.2001	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Hutton, D Telephone No. +49 89 2399 8660 	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US00/27333

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-37 as originally filed

**Claims, No.:**

1-22 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Yes:	Claims	7,12,16
	No:	Claims	1-6,8-11,13-15,17-22
Inventive step (IS)	Yes:	Claims	7,12,16
	No:	Claims	1-6,8-11,13-15,17-22
Industrial applicability (IA)	Yes:	Claims	1-22
	No:	Claims	

### 2. Citations and explanations see separate sheet

## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:  
see separate sheet

## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
see separate sheet

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/27333

**Section V:-** Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Documents cited in the International Search Report:-

D1: DE 21 26 161 A (LION FAT & OIL CO.) 9 December 1971

D2: US-A-5 458 884 (BRITTON PETER ET AL) 17 October 1995

The following additional documents are also referred to in this report:-

D3: US-A-4 591 501 (G.CIOCA) 27 May 1986

D4: US-A-5 437 877 (S.P. SYNOSKY ET AL) 1 August 1995

D5: EP-A- 0 728804 (K.J.McDERMOTT ET AL) 28 August 1996

D6: DATABASE WPI Section Ch, Derwent Publications Ltd., London,  
GB; Class A13, AN 1973-05056U XP002156171 & JP 48 001500 B  
(NIPPON SYNTHETIC CHEM IND CO);

D7: WO-A-93/07263 (R.E.ARNOLD ET AL) 15 April 1993

D8: WO-A-97/23606 (D.A. DALE ET AL) 3 July 1997

D9: US-A-5 147 344 (G.SACHAU ET AL) 15 September 1992

D10: US-A-5 260 066 (L.L. WOOD ET AL) 9 November 1993

**Novelty:-** Document D1 discloses solid washing materials - of rubbery or spongy appearance - containing detergents high molecular substances and inorganic fillers. The compositions consist of 5-50 (pref. 10-40)% of surface active agents (A), 5-80 (pref. 5-15)% of water-soluble high molecular substances (B), 5-80 (pref. 15-70)% of a barely-soluble inorganic filler (C), and 5-70% water. (B) is preferably polyvinyl alcohol, polyvinyl pyrrolidone, sodium carboxymethylcellulose, gum arabic, sodium alginate or starch. The composition may be expanded by inclusion of a blowing agent or injecting gas. The compositions can be made in the form of sponges or wiping cloths for washing dishes, kitchen equipment, etc., and for the hands and body. See examples, the water is taken to act as a plasticiser. As in the present application, polyvinylalcohol is employed as the matrix. The disclosures of D1 are taken to fall within the scope of present claims 1-6,8-10,13, and 17-22.

Document D2 discloses bio-erodable devices for administration of active ingredients and comprises water-soluble, muco-adherent, lyophilised foam and active ingredient, the device having a density of 0.001-0.15 g/ml. The use of plasticisers is disclosed at col.7,I.4 of D2. The disclosures of D2 are thus taken to fall within the scope of present claims 1-4,6,9,10,11,13,15, and 17-22.

Document D3 discloses polypeptide-containing. foil material for cosmetic and

pharmaceutical purposes consists of a polypeptide, a softening agent, and a film-forming polymer. The polypeptides are preferably collagen, elastin, and polypeptides derived, therefrom. The foil material pref. contains 25-75 (esp. 40-60) wt.% polypeptide. The film-forming polymer (pref. polyvinyl alcohol) is pref. present in an amount of 10-20 wt.%. The softening agent (plasticiser)(pref. glycerol) is generally present in an amount of 20-40 (esp. 30-40) wt.%. (See Claims and Examples) The disclosures of D3 fall within the scope of present claims 1-3,10,13,17,18,21, and 22.

The present claims are so broadly drafted that the chewing gum compositions of D4 fall within the scope of present claims 1,3,20 and 21.

Document D5 discloses extruded PVA compositions containing fragrances, useful for moulded toilet rim blocks based on plasticised polyvinyl alcohol or partly hydrolysed polyvinyl acetate extruded with fragrance and opt. foaming agent and hydrophobic silica (see Examples and Claims and p.4,1.52 et seq.) The compositions contain 0-13 wt.% of a polar plasticiser. The disclosures of D5 are taken to fall within the scope of present claims 1-3,10,13,15,17,18,21 and 22.

Document D6 discloses a foamed composition for the delivery of insecticides, herbicides or deodorants which would appear to fall within the scope of present claims 1,2,6,13,15, and 21.

Documents D7 and D8 disclose coated enzyme containing granules containing a PVA/enzyme layer (cf. D7, p.5 last para. et seq.) The use of plasticisers in the PVA/enzyme layer is disclosed at p.11,1.4 et seq. and p.12 3 rd. para. in D7. The disclosure of D8 is similar. D7 and D8 disclose articles falling within the scope of present claims 1,2,10,14,15-18, 21, and 22.

Document D9 discloses PVA, Gelatin and water-based hydrogel foams containing organic plasticisers, and an active ingredient, panthenol, used for protecting wounds from drying out. The products and processes of D9 appear to fall within the scope of present claims 1-6,8-11,13,17,18,21 and 22.

Document D10 discloses controlled release bandages based on PVA, plasticisers and a series of active ingredients (see Examples (Ex.25 ->)). The bandages described fall within the scope of present claims 1-3,5,10,13,17,18,21 and 22.

**Inventive Step:-** No full appraisal of Inventive Step is possible until Novelty is established, however although the use of plasticised PVA to reduce dusting in enzyme containing granules is known in the art, their use in conjunction with a foaming to produce a low density composition would, based on the available documents, would not appear to be known in the art.

**Section VII** :- Certain defects in the international application

- (i) Claim 1, p.38, l.7 should refer to the active ingredient .
- (ii) To meet the requirements of Rule 5.1(a)(ii) PCT, the documents cited above should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

**Section VIII** :- Certain observations on the international application

- (i) The use of expressions like "preferably", and "more preferably" is considered to introduce ambiguity and lead to a lack of conciseness in the claims. Expressions of this kind have no limiting effect on the scope of a claim; that is to say, the feature following any such expression is to be regarded as entirely optional, the claims are thus rendered in concise. If specific protection is sought for these embodiments corresponding dependent claims should be drafted.
- (ii) Claim 9 refers to the composition of claim b)?
- (iii) The upper limits of the quantities given in claim 5 are incorrect in that the upper limits of the ranges given cannot be achieved without the total summing to more than 100%.
- (iv) The ranges given in claim 5 would also appear to lack explicit support in the description.
- (v) The reference in process claim 19 to claims 6,7 and 9 is incorrect as these claims refer to products, not processes.
- (ii) It is unclear from present claim 1 as to whether the requirement that the matrix should have a  $T_g$  below  $50^\circ\text{C}$  refers to the plasticised or unplasticised, anhydrous matrix.